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USPTO	Mark R. Buscher
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FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571 273 8300	4+1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	SYN-0018A
RE:	YOUR REFERENCE NUMBER:
Application No.: 10/759,436	
Filing Date: January 20, 2004	
Inventors: Hans J. HOORN et al	

The following are submitted herewith for filing in the above-identified application:

1. Transmittal Form PTO SB/21 (1 page); and
2. Response to Election/Restriction Requirement (4 pages).

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PTO/SE/21 (09-04)

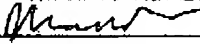
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10759,436	
	Filing Date	Jan 20, 2004	
	First Named Inventor	Hoom, Hans Jan	
	Art Unit	1625	
	Examiner Name	Celia Chang	
Total Number of Pages in This Submission	4	Attorney Docket Number	SYN-0018A

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Election/Restriction Requirement
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Synthon IP Inc.		
Signature			
Printed name	Mark R. Buscher		
Date	October 30, 2006	Reg. No.	35,006

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Mark R. Buscher	Date	October 30, 2006

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OCT 30 2006

PATENT

Atty Docket No.: SYN-0018A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hans Jan Hoom

Confirm. No.: 1153

Serial No.: 10/759,436

Art Unit: 1625

Filed: January 20, 2004

Examiner: Celia Chang

For: N-FORMYL DERIVATIVES OF PAROXETINE

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Letter dated September 29, 2006, the Examiner required restriction of the application to one of the following groups of claims:

Group I - Claims 23-26, drawn to assaying method; and

Group II - Claims 27-44, drawn to system and sales of pharmaceutical manufacturer.

This requirement is respectfully traversed. The Examiner's sole basis for restriction is the alleged divergent classification of the claimed subject matter. But the Examiner's proposed classification is improper. Specifically, the Examiner purports that Group II, claims 27-44 would be classified in class 702, subclass 23. Class 702 relates to "data processing." The class definition contains the following description: "There must be significant claim recitation of the data processing system, process or calculating computer and nominal recitation of the specific environment." Each of the present

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claims, however, recites a specific chemical compound, namely N-formyl paroxetine, without any recitation of a data processing system or computer. Thus, the claims of Group II are not properly classified in class 702.

Additionally, because the claims recite a specific chemical compound, they are properly classified in the chemical arts; i.e., class 435. Applicants believe that the hierarchical nature of the classification schedule would require the claimed invention to fall into the chemical classification; even if the subject matter could be properly classified in class 702.

In either event, the Examiner's classification of the claims of Group II in class 702 is incorrect. Thus, the Examiner has no proper basis for asserting that examination of both groups of claims would be divergent and "a tremendous burden."

Moreover, the Examiner failed to address the nature of the relation between the two groups of claims as per MPEP Chapter 800. Inasmuch as all of the pending process claims contain the step of assaying for the presence and/or amount of N-formyl paroxetine, there is no proper basis to hold that the claims are directed to independent and distinct inventions. Thus, under 35 U.S.C. §121 and the standard USPTO analytical framework, the Examiner's restriction requirement is improper and must be withdrawn.

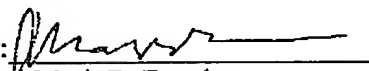
Notwithstanding the above traversal and in order to be fully responsive to the Examiner's requirement, Applicants hereby elect, with traverse, Group II, claims 27-44. Reconsideration of the restriction and examination of all claims are respectfully requested.

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Should the Examiner have any questions regarding this application, she is respectfully requested to contact Mark R. Buscher (Registration No. 35,006) at 703 753 5256.

Respectfully submitted,

Date: October 30, 2006 (Monday)

By: 
Mark R. Buscher
Reg. No. 35,006

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